

**BOARD OF SELECTMEN REGULAR MEETING
MINUTES OF MONDAY, APRIL 28, 2008**

I. Call to Order

Selectman Teichert called the meeting of the Board of Selectmen to order at 7:02 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Major (arrived at 7:18 P.M.) and Selectmen Mary Lyman, and Alex Vispoli. Town Manager Reginald Stapczynski and Town Clerk Randy Hanson were also present. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Selectman Teichert asked for a Moment of Silence followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

Wednesday, April 30th is the beginning of the 2008 Annual Town Meeting to be held at the Collins Field House beginning at 7:00 P.M.

The State Budget is being debated in the House during the next few weeks and will move forward to the Senate after that. We will be notifying our legislative delegation on issues that are of concern.

A tree was planted at Spring Grove Cemetery in celebration of Arbor Day on Friday, April 25th.

Congratulations to Jim Sutton and Staff for the well attended events held at Memorial Hall Library in recognition of National Library Week.

Town Clerk Randy Hanson said a bus will be available for transportation for Town Meeting from the school parking lots to the Collins Center.

IV. Citizens Petitions and Presentations

None

V. Public Hearings

A. Verizon New England, Inc. (Not a public hearing but a continuation of Verizon's program.)

Verizon Representative Bob Grassia **said last year's installations were very** successful and the loom/seeding of all property has been completed. Mr. Grassia updated the Board on the first phase of construction projects for this year in Andover and agreed to forward an anticipated schedule to the Town Manager by the end of the week.

Verizon New England, Inc. will replace and maintain existing direct buried cable with new underground conduits and related equipment under the surfaces of the following public ways with the approximate locations shown on the plans for the noted petitions:

Petition #491 – Atwood Lane Petition #492 – Avery Lane

Petition #497 – Brady Loop	Petition #499 – Chippy Lane
Petition #500 – Cloverfield Drive	Petition #500 – Dandelion Drive
Petition #502 – Dorset Circle	Petition #502 – Fairfax Drive
Petition #508 – Gina Jo Way	Petition #510 – Granada Way
Petition #513 – Hacienda Way	Petition #513 – Haggetts Pond Road
Petition #514 – Inwood Lane	Petition #515 – Knollcrest Drive
Petition #510 – Lamanha Way	Petition #518 – Larchmont Circle
Petition #502 – Midland Circle	Petition #520 – Monclair Drive
Petition #508 – Penbrook Circle	Petition #525 – Pendant Circle
Petition #527 – Peterof Circle	Petition #528 – Pheasant Run
Petition #500 – Possum Hollow	Petition #531 – Quail Run
Petition #510 – Sevilla Road	Petition #508 – Starr Avenue East & West
Petition #541 – Winchester Drive	Petition #540 – Whispering Pines Drive
Petition #537 – Stoneybrook Circle	

The requests have been reviewed and approved by the Department of Public Works subject to the conditions that street opening and excavation permits be obtained from the DPW prior to the commencement of any construction, streets which have been recently paved will require that the directional drilling method be used to install the conduits and homeowners on each street must be notified prior to the construction.

B. Bay State Gas Company

Project Manager Joe Fiorante said the Gas Company will be working in conjunction with the State contractor and explained their plans for installation of the new gas lines and retiring old lines. The Board stressed the importance of keeping up with the timeline established.

Selectman Vispoli motioned to approve the request from Bay State Gas Company to excavate approximately 3,200 feet on North Main Street and approximately **3,000 feet on Main Street to replace the existing 6” cast iron gas main with an 8” HDPE main** and to excavate between 50 feet and 200 feet on existing laterals within the scope of the work limits of the project to tie-in the new main. Approximate locations for the requests are shown on Plan #02012006-D, dated 2/1/06. The request has been reviewed and approved by the Department of Public Works with the condition that prior to construction a street opening permit must be obtained from the Department of Public Works. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

C. Alcoholic Beverage Policy

As per Chapter 138 of the Massachusetts General Laws, as amended, the Board, **as the Town’s Licensing Agents, discussed the proposed amendment to the Alcoholic Beverage Policy regarding a proposed “Events with Alcohol” policy.**

Selectman Lyman motioned to approve the Events with Alcoholic Policy amendment to the Alcohol Beverage Policy-Administration of Liquor as presented by Town Clerk Randy Hanson. The motion was seconded by Selectman Vispoli, and voted 4-0 to approve.

VI. Regular Business of the Board

A. Keno to Go

Daniel Rosenfeld, State Lottery Commission Director, explained the basis of the new Keno to Go Game a new way to bet an existing game, and enforcement measures required of the agents to ensure the integrity of the game.

Selectman Lyman motioned to accept Keno-to-Go. The motion was seconded by Selectman Vispoli, and voted 3-1 to accept.

B. Annual Town Meeting preparation and warrant article review

#49 – Parks and Grounds Appropriation Transfer

Selectman Lyman motioned to approve the Parks and Grounds Appropriation Transfer with the contingency that the Department of Public Works not be placed at Spring Grove Cemetery and the Plant and Facilities Director would return to the Board of Selectmen for approval of a new site. The motion was seconded by Selectman Vispoli, and voted 3-1 to recommend approval with the caveat Spring Grove Cemetery will not be considered as a site for the DPW and the Board would approve final site selection.

>Spring Grove Cemetery Fee Increase

Spring Grove Cemetery Trustees explained the rationale behind the proposed Spring Grove Cemetery fee increases to the Board. Joe Piantedosi, Plant & Facilities Director discussed the cost of running the cemetery, the labor requirements, and the accounts used to offset expenses.

#10 – Supplemental Budget Appropriations

Selectman Lyman motioned that the Town vote to transfer \$823,174 from Free Cash, \$286,308 from Water Reserves, and \$65,000 from Sewer Reserves and appropriate the sum of \$450,000 to the Health Insurance Fund-FY2008, \$300,000 to Public Works Expenses-FY2008, and \$424,455 to Debt Service-FY2008. The motion was seconded by Selectman Teichert, and voted 4-0 to recommend approval.

#12 – Unexpended Appropriations

Selectman Teichert motioned that the Town vote to transfer \$29,053.54 from Article 46, 1992 Water Distribution Improvements, \$54,182.88 from Article 33, 1995 Water Distribution Improvements, and \$3,578.32 from Article 63, 1998 Fishbrook Pump Station Plans, and appropriate the sum of \$86,814.74 to Fishbrook Pumping Station Construction. The motion was seconded by Selectman Lyman, and voted 4-0 to recommend approval.

#23 – Local Options Revenues

Selectman Teichert motioned Article #23 Local Options Revenues be withdrawn. The motion to withdraw was seconded by Selectman Lyman, and voted 4-0 to withdraw.

#39A & B – Open Space Land Acquisition

Selectman Vispoli motioned to not introduce the contingency option for override funding for \$900,000 from debt exclusion. The motion was seconded by Selectman Lyman, and voted 4-0 to recommend disapproval.

#43 – Medicare Extension Plans for Retirees

Selectman Vispoli motioned to withdraw Article #43-Medicare Extension Plans for Retirees. The motion was seconded by Selectman Lyman and voted 3-0-1 to recommend withdrawal.

#48 – Recreation Park Ballfield Lighting Project

Selectman Vispoli motioned to withdraw Article #48-Recreation Park Ballfield Lighting Project. The motion was seconded by Selectman Teichert and voted 3-1 to recommend withdrawal.

#53 – Zoning Bylaw Amendment

Selectman Teichert motioned to recommend disapproval of Article #53-Zoning Bylaw-Signs. The motion was seconded by Selectman Major, and voted 2-2. The motion fails to carry.

C. Temporary AYS Office – 37-39 Pearson Street

The Town Manager explained the proposal to temporarily house the Andover Youth Services Office at 37-39 Pearson Street, which has been approved by both the Building Inspector and Plant and Facilities Director. The basement and attic would be used for storage only and the office would be located on the first and second floors. The transition would take place at the end of the summer. Only minor updates to the building are needed and Youth Services Director Bill Fahey said the expenses would be paid for through their gift fund. Selectman Lyman would like to have a meeting with the neighbors and Selectman Teichert asked where Youth Services Office would go from there. Selectman Vispoli suggested a concrete plan be put together and presented to the Board before they take a position on this request.

Selectman Vispoli motioned to charge the Town Manager to return to the Board with a plan for this project before July 1, 2008. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

VII. Appointments and Re-Appointments

Selectman Vispoli motioned to approve the following appointments recommended by the Town Manager. The motion was seconded by Selectman Teichert, voted 4-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>DEPARTMENT OF PUBLIC WORKS</u>			
Timothy R. LeGrow	Laborer – Seasonal	\$13.00/hr.	4/29/08
<u>MEMORIAL HALL LIBRARY</u>			
Luke Terry	Library Aide – PT (v. H. Palsetia)	L2/1	4/22/08
Kimberly Bears	Staff Librarian – PT (v. J. MacMillan)	IE20/1	5/13/08

Selectman Vispoli motioned to approve the following appointment recommended by the Town Manager. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

I-93 LOWELL JUNCTION INTERCHANGE TASK FORCE

Beth A. Niemi

(v. J. Corey, Jr.)

Term expires 6/30/08

B. Amendments to the Traffic Rules and Regulations

Safety Officer Charles Edgerly is recommending the following amendments to the Traffic Rules and Regulations:

Add to SCHEDULE 2, Article VI, Section 1 – One-Way Streets

“One-Way” at the West Middle School driveway south to Shawsheen Road.

Selectman Vispoli motioned to approve the addition to Schedule 2, Article VI, Section 1-One Way Streets to include, **“One-Way” at the West Middle School** driveway south to Shawsheen Road. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Add to SCHEDULE 7, Article VII, Section 8(i) – Do Not Enter

“Do Not Enter” at the West Middle School eastern most exit at Shawsheen Road heading south.

Selectman Teichert motioned to approve the addition to Schedule 2, Article VI, Section 1-**One Way Streets to include, “Do Not Enter” at the West Middle School** eastern most exit at Shawsheen Road heading south. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

C. Common Victualler License

Selectman Lyman motioned to approve the request of Helen Hoang, President, Andover Ventures, Inc., 560 South Main Street, Andover, d/b/a Tokyo Steak House, for a Common Victualler license for use at 560 South Main Street. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Teichert, and voted 4-0 to approve.

D. Storage of Inflammable Annual Registration

Selectman Teichert motioned to approve the request presented by The Town Clerk for the following 2008 Storage of Inflammable Certificate of Registration:

- Proctor & Gamble Company, Off Lowell Junction Road

The Certificate has been reviewed by the Fire Rescue Department and Town Clerk and is subject to the condition that all other requirements of the Town are met prior to the issuance of the Certificate. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

E. One-Day Beer & Wine Licenses

Selectman Lyman motioned to approve the request of Kim Stamas, Community Services, Town Offices, Andover, who is applying for a one-day beer & wine license for Saturday, June 21, 2008 from 6:00 P.M. to 11:00 P.M. for an adult **dance at the Town House and the request of James Kapelson, Kap's, Inc., 5 Main Street, Andover, for a one-day beer & wine license for Thursday, May 1, 2008 from 7:00 P.M. to 10:00 P.M. for a charitable event at 5 Main Street.** The applications have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The motion was seconded by Selectman Lyman, and voted 4-0 to approve both requests.

VIII. Approval of Minutes of Previous Meetings

Selectman Teichert motioned to approve the Joint Meeting Minutes of March 17, 2008. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

Selectman Teichert motioned to approve the Joint Meeting Minutes of March 19, 2008 with revisions. The motion was seconded by Selectman Vispoli to approve the March 19, 2008 Joint Meeting Minutes with revisions. The motion was voted 4-0 and approved.

Selectman Teichert motioned to approve the Joint Meeting Minutes of March 24, 2008. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

Selectman Teichert motioned to approve the Joint Meeting Minutes of March 26, 2008. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

IX. Adjournment

Selectman Teichert motioned to adjourn the Regular Meeting of the Board of Selectman. The motion was seconded by Selectman Lyman, and voted 4-0 to adjourn. The meeting ended at 9:55 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder